

### **REMARKS/ARGUMENTS**

Claims 1, 3, 5-7 and 9-13 are currently pending in the application. Claims 2, 4 and 8 have been cancelled without prejudice. The title has been amended to more distinctly describe the claimed invention. Claims 1, 3 and 5-7 have been amended and claims 9-13 have been newly added to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant submits that no new matter has been added by the amendment herein.

#### **Rejections - Claims 1-5 and 8**

Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,466,804 issued to Pecen et al. (hereinafter referred to as Pecen). Furthermore, claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecen in view of U.S. Patent No. 6,601,093 issued to Peters. Claims 2, 4 and 8 have been canceled without prejudice and their features have been incorporated, in part, into amended claim 1.

As now amended, claim 1 recites a mobile phone that uses a database to establish a communication via a communication system when it receives a signal transmitted from an activation device located outside the mobile phone. Claim 1 further recites that the activation device transmits the signal when the mobile phone is a specific distance away from the activation device, and a communication is established via a communication by the mobile phone accessing a database recorded in an IC card within the activation device.

The Examiner has previously indicated that Pecen does not teach automatically detecting the distance (e.g., 1 mile) between an activation device and a mobile phone. The Applicant further submits that Pecan fails to teach or suggest a mobile phone establishing a communication with others in response to receiving a signal transmitted from an activation device. The activation device transmits the

signal when the mobile phone is a specific distance away from the activation device, as recited in amended claim 1.

Peters discloses a method, system, and computer program product for resolving address information in an ad-hoc networking environment. The Examiner asserts that "Peters teaches detecting the distance between a wireless device and a mobile phone in a specific distance." However, in accordance with claim 1, the present invention receives a signal from an activation device that transmits a signal when the mobile phone is a specific distance away from the activation device. Peters fails to teach or suggest this feature. Peters discloses, in column 6, lines 45-47, "devices containing radio modems to be automatically detected upon coming in radio proximity with one or more similarly-equipped devices."

Firstly, the activation device and the mobile phone are not similarly-equipped. One device is merely an IC card with a database, and the other is a mobile phone, as shown in Figure 2 of the Applicant's application. Secondly, neither of the radio modems disclosed by Peters transmits a signal to from one modem to the other that causes the other modem to establish a communication with others by activating a communication system when one modem detects that the other modem is a specific distance away.

The Examiner further relies on column 3, lines 30-33 of Pecan and asserts that both Peters and Pecan teach wireless devices that establish wireless bi-directional links. However, there is no teaching or suggestion whatsoever in Peters or Pecan of a first device (i.e., an activation device) that transmits a signal to a second device (i.e., a mobile phone) when the second device is a specific distance away from the first device (e.g., 1 mile).

Accordingly, claim 1 is believed to be patentable over the teachings of Pecan and Peters. Since claims 3 and 5 are dependent upon the independent claim 1, the dependent claims 3 and 5 are all also believed to be allowable for the same reasons

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presented above. Therefore, the withdrawal of the rejection of claims 1-3 and 8 under 35 U.S.C. 102(e) and the rejection of claims 4 and 5 under 35 U.S.C. 103(a) is respectfully requested.

**Rejections - Claims 6 and 7**

Furthermore, claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecen in view of Peters and in further view of U.S. Patent No. 6,377,825 issued to Kennedy et al. (hereinafter referred to as Kennedy). Kennedy discloses a hands-free wireless device used in a vehicle. Kennedy fails to teach or suggest a first device (i.e., an activation device) that transmits a signal to a second device (i.e., a mobile phone) when the second device is a specific distance away from the first device (e.g., 1 mile). Furthermore, since claims 6 and 7 are dependent upon the independent claim 1, they are all also believed to be allowable for the same reasons presented above.

Therefore, the withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. 103(a) is respectfully requested.

**Conclusion**

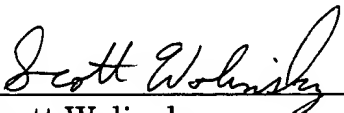
It is respectfully submitted that pending claims 1, 3, 5-7 and 9-13 are in condition for allowance. Accordingly, reconsideration and allowance of pending claims 1, 3, 5-7 and 9-13 are respectfully requested.

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If the Examiner does not believe that the application is in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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